



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 5, 2014

The Honorable Maggie McIntosh, Chairperson
Members of the House Environmental Matters Committee
Room 251, House Office Building
Annapolis, MD 21401

Re: Letter of Concern, HB 284 – *Department of Agriculture – Phosphorus Assessment and Management – Study and Economic Impact Analysis*

Dear Chairperson McIntosh and Committee Members:

The Maryland Department of the Environment (MDE) has reviewed House Bill 284, entitled *Department of Agriculture – Phosphorus Assessment and Management – Study and Economic Impact Analysis*, and we would like to express concerns regarding this bill.

HB 284 would require the Maryland Department of Agriculture (MDA) to conduct a study of efforts to manage and reduce phosphorus pollution from agricultural sources in the State, including an economic impact analysis of the Phosphorus Management Tool developed by MDA to replace the Phosphorus Site Index. MDA must report on the results of the study to the General Assembly by December 1, 2014, and may not implement regulations replacing the Phosphorus Site Index with the Phosphorus Management Tool until after the 2015 regular General Assembly session. The protracted time required to complete an extensive study, economic analysis and report the results to the General Assembly, coupled with the prohibition on implementing relevant regulations until after the 2015 legislative session, would have an adverse impact on the State's efforts to meet its commitments to restoring the Chesapeake Bay in a timely manner.

Implementation of a new Maryland Phosphorus Management Tool is a key part of revised nutrient management regulations proposed by MDA, with the intent of improving the management of phosphorus levels in the application of fertilizer on agricultural crop land. The regulations and the Phosphorus Management Tool are important elements of Maryland's strategy to achieve the nutrient load reductions needed to meet Chesapeake Bay restoration goals. The provisions of HB 284 would necessitate significant delay in implementing the proposed nutrient management regulations, and further postpone the improved control of excessive levels of phosphorus that constitute a major agricultural source of pollution to local waters and the Bay.

These delays will consequently make it more difficult for Maryland to maintain progress toward pollution reduction goals for Chesapeake Bay restoration at a pace necessary to meet key targets and deadlines that



Honorable Maggie McIntosh

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are required under the U.S. Environmental Protection Agency (EPA)'s 2010 Total Maximum Daily Loads (TMDLs) of Nitrogen, Phosphorus and Sediment for the Chesapeake Bay. Failure to meet these targets and deadlines may trigger regulatory consequences that EPA has indicated will be imposed if necessary in order to ensure that jurisdictions in the Bay watershed fully meet their water quality restoration goals on a prescribed schedule that includes near-term two-year milestone commitments, interim targets set for 2017 and final targets that must be achieved by 2025.

Thank you for your consideration of this information as you review HB 284. Please contact me at 410-260-6301 or jeffrey.fretwell@maryland.gov if you would like to discuss any of these issues further.

Sincerely,



Jeffrey Fretwell

cc: Lee Currey, Director, Science Services Administration
Heather Barthel, Director, Legislation and Policy

